REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application, and the consideration given the previous arguments. This application has been carefully reviewed in light of the Official Action mailed July 19, 2005. Applicant has amended Claims 1 and 10. Applicant submits that no new matter has been added by these amendments. Consequently, Claims 1, 2, 4-11 and 13-22 remain pending in the application. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 4-11 and 13-22 stand rejected as obvious over U.S. Patent No. 6,757,740 ("Parekh") in view of U.S. Patent No. 6,691,106 ("Sathyanarayan").

In order to establish a prima facie case of obviousness, the Examiner must show: that the prior art references teach or suggest all of the claim limitations; that there is some suggestion or motivation in the references (or within the knowledge of one of ordinary skill in the art) to modify or combine the references; and that there is a reasonable expectation of success. M.P.E.P. 2142, 2143; In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Applicant respectfully submits that the references do not teach all of the claim limitations and additionally, that there is no suggestion or motivation to combine the references and, in fact, the references teach away from such a combination. Accordingly, withdrawal of this rejection is respectfully requested.

Independent Claims 1 and 10

All Limitations

Independent Claim 1, as amended, recites accessing first data including a first identifier associated with a user, network addresses accessed by the user and temporal information related to the user identifier and the network addresses, wherein the first data is determined at a first location remote from the user, accessing second data at a second location remote from the user and the network addresses, wherein accessing the second data further comprises sending at least some of the network addresses to the second location and receiving corresponding category information for each of the at least some network addresses, the

corresponding category information including at least one meta tag and generating a user profile based at least in part on the first identifier, corresponding category information, and at least some of the temporal information. Claim 10 recites similar limitations.

Thus, embodiments of the present invention allow a user to "surf" a network on a client computer while a remote location, such as a server computer responsible for routing user requests, determines information ("first data") relating to the surfing user, such as a user identifier, temporal information related to the user identifier, network addresses accessed and timestamps. This remote location may then store this information in a table to which it has access. The user may then be routed to any of the intended network destinations or addresses. Using this first data, specifically network addresses associated with the first data, category information corresponding to these network addresses can be accessed using second data which includes network addresses and corresponding category information Based on the first user identifier, the category information obtained via accessing the second data, and at least some of the temporal information, a user profile can be generated. Consequently, information may be gathered on a user without any involvement of a client computer, including programs executing on the client computer whose purpose it is to collect user information and send this information to the remote location.

Additionally, the user identifier is associated with the user, such that when the same user "surfs" a network on the same or a different client computer the user identifier for this user identifier may be used to identify the user such that information related to the surfing user may be used to update or add to the user profile of the user. Thus, because a user identifier is associated with the user, as opposed to a particular machine, setting of a machine or geographic location, the user identifier may be used to update a user profile regardless of other aspects of how or where the user is surfing the network. Utilizing a user identifier associated with a user may allow user profiles to be generated for multiple users who access a network from the same machine, or a user who access the network from different IP addresses or geographic locations.

These advantages may be particularly useful, for example, when a user is accessing the Internet utilizing a third-party Internet Service Provider (ISP), such as America On-Line (AOL). When a user accesses the internet utilizing a third-party ISP, it may appear to the site being accessed that the user is accessing from the IP address of the third-party ISP. Thus, it may appear that all user's accessing the Internet utilizing the third-party ISP are accessing the

Internet from the same IP address. By utilizing a user identifier associated with a user the method of Claim 1 may allow user profiles to be created for individual users accessing the Internet through the same third-party ISP though it may seem as if they are accessing the Internet from the same IP address.

Parekh, in contrast, discloses a system and method for determining the geographic location of a user and selectively delivering information to a user based on the user's geographic location. A user at a machine with a particular IP address accesses web sites in a network (See Parekh Col. 16, Line 15-17) A profile of this IP address can be built based on the web sites visited by a user at the IP address. Information such as the types of web sites visited, pages hit, such as sports sites etc. is fed from these web sites back to the database to create a profile of the IP address. (See Parekh Col. 15, Line 62 – Col 16, Line 6) As users access web sites, the profiled information about the IP address of the user is sent from the database to a targeter at the accessed web site. (See Parekh Col. 16, Line 15-18) Based on this profile information can be dynamically shown to the user. (See Parekh Col. 16, Line 19-22).

Thus, Parekh builds a profile on an IP address not a user profile based at least in part on a first identifier associated with the user. The difference may be further illustrated with reference to the above examples. In Parekh, the profile is built on an IP address such that when a user "surfs" a network on a different client computer the user's actions are associated with a profile built for the IP address of that different machine not the user himself. Similarly, when multiple users access the Internet from the same machine all of the actions of each of the user's will be associated with the profile being built for the IP address associated with that machine, regardless of the fact that these actions have been performed by multiple, independent users.

Additionally, as mentioned above, when a user is accessing the Internet utilizing a third-party Internet Service Provider (ISP), such as America On-Line (AOL) it may appear that all user's accessing the Internet utilizing the third-party ISP are accessing the Internet from the same IP address. Thus, utilizing the system of Parekh a profile will be built for the IP address of the third-party ISP which incorporates the actions of all of the users who access the Internet through that third-party ISP. To resolve any of these issues, the system of Parekh may have to obtain information from the third-party ISP itself. As may be imagined, in many circumstances

this may be undesirable, as the actions of many users may have to be added to the profile, making the profile somewhat less effective.

Consequently, as Parekh builds a profile on an IP address, Parekh does not disclose a first identifier associated with a user as recited by Claim 1. Hence, Applicant respectfully submits that Parekh does not disclose all the limitations of Claim 1 and Claim 10.

Motivation to Combine

In order to establish a prima facie case of obviousness, the Examiner must show: that there is some suggestion or motivation in the references (or within the knowledge of one of ordinary skill in the art) to modify or combine the references; and that there is a reasonable expectation of success. Applicant respectfully submits that not only is there no suggestion or motivation to combine the Parekh and Sathyanarayan references in either of the references, but furthermore that the references teach away from such a combination.

The Examiner states that a user profile is initially constructed by having the profile agent 200 visit the cookie and bookmarked sites stored on the user's PC. The profile agent 200 may use the relevance engine to parse the cookie and bookmarked web sites stored on the user' PC for keywords and collects details about the web pages. Thus, the profile agent resides at a user's PC or client device and collects information from sources on the user's PC, such as the user's bookmarks file or cookies, history file . (*See* Sathyanarayan Col. 2, Line 49-63)

Parekh, in contrast, states that to assemble a profile on an IP address, no interaction is necessarily required between the web site and the user's browser to maintain the profile, and that, significantly, this method of profiling does not require the use of any cookies that have been found to be highly objectionable by the user's. (*See* Parekh Col. 16, Line 7-14)

Thus, Parekh teaches that it is desirable to collect information on an IP address without interacting with a user's browser, computer, or utilizing any thing which may raise security issues or other concerns of a user. This teaching expressly contradicts the methodology and teaching of Sathyanarayan in which a profile agent runs on the users machine and interacts with the user's browser by accessing various browser files such as the bookmarks file, cookies, history file etc.

As the Parekh reference teaches away from the use of the methodology employed by Sathyanarayan, Applicant respectfully submits that there is no suggestion or motivation in the Parekh and Sathyanarayan references to modify or combine these references.

As the combination of the Parekh and Sathyanarayan fail to teach or suggest all of the claim limitations and there is no suggestion or motivation to modify or combine the references, Applicant respectfully submits that the Examiner has failed to make a prima facie case of obviousness with respect to Claim 1. Accordingly the withdrawal of the rejection of Claim 1 is respectfully requested. Additionally, as Claim 10 recites similar limitations to Claim 1 Applicant respectfully requests the withdrawal of the rejection of Claim 10 as well

Dependent Claims 2, 4-9, 11 and 13-22

As Claims 2, 4-9, 11 and 13-22 are further limitations on independent Claims 1 or 10, Applicant respectfully submits that they are patentable for at least the reasons set forth above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of Claims 2, 4-9, 11 and 13-22.
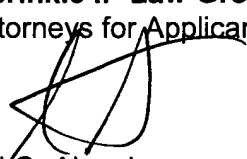
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1, 2, 4-11 and 13-22. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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